

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
www.flmb.uscourts.gov**

In re:

Case No. 9:19-bk-09731-FMD
Chapter 13

Edward Alexander Young
Minnie B Young

Debtors.

**TRUSTEE'S UNFAVORABLE RECOMMENDATION
AND OBJECTIONS TO CONFIRMATION OF THE PLAN**

TO: Clerk, United States Bankruptcy Court

1. The Debtors' Petition for Relief to Chapter 13 was filed on October 14, 2019.
2. Trustee's Recommendation to the Court. The Trustee cannot recommend confirmation of the Chapter 13 Plan at this time for the following reason(s):
 3. It does not appear that the Debtors have dedicated all disposable income to the proposed Plan as required by 11 U.S.C. §1325(b)(1)(B).
 - a. The Trustee hereby requests/has requested the following additional documents pursuant to the District-wide Administrative Order Prescribing Procedures for Chapter 13 Cases, to determine if the Debtors have dedicated all disposable income to the Plan:

income tax return for 2019
 - b. The Debtors are paying for the following luxury items: automobile with payment of \$852.00/month.
 - c. Pursuant to the District-wide Administrative Order Prescribing Procedures for Chapter 13 Cases, Debtors shall timely file all tax returns and make all tax payments and deposits when due. (However, if Debtors are not required to file tax returns, Debtors shall provide Trustee with a statement to that effect.) For each tax return that becomes due after the case is filed, Debtors shall provide a complete copy of the tax return, including business returns if Debtors own a business, together with all related W-2's and Form 1099's to the Trustee within 14 days of filing the return. Unless otherwise consented to by the Trustee or ordered by the Court, Debtors shall turn over to the Trustee all tax refunds in addition to regular Plan payments, beginning with the tax year 2019. Debtors shall not instruct the Internal Revenue Service or other taxing agency to apply a refund to the following year's tax liability. **Debtors shall spend no tax refunds without first having obtained the Trustee's written consent or court approval.**

4. The Plan violates 11 U.S.C. §1325(a)(4) because it does not pay unsecured creditors the value of what they would receive in a case under Chapter 7.

a. The Trustee hereby requests/has requested the following additional documents pursuant to the District-wide Administrative Order Prescribing Procedures for Chapter 13 Cases, to determine if the Debtors have met the best interests of creditors test:

income tax return for 2019

b. The Debtors have not listed the following property on Schedule A/B: utility trailer and airboat including the value of both.

/s/ Michael E. Cecil
Michael E. Cecil, Esquire
Florida Bar No. 722855
Staff Attorney for Chapter 13 Trustee
P.O. Box 25001
Bradenton, Florida 34206-5001
Phone: (941) 747-4644
Fax: (941) 750-9266

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Trustee's Unfavorable Recommendation and Objections to Confirmation of the Plan has been furnished electronically by CM/ECF services and/or by U.S. Mail to **Edward Alexander Young and Minnie B Young**, Debtors, 1424 Pine Wood Ave NW, Arcadia, FL 34266, **Frank Ribel, Jr. Esquire**, Attorney for Debtors, 25 East Oak Street, Arcadia, FL 34266 and the **U.S. Trustee**, 501 East Polk Street, Suite 1200, Tampa, Florida 33602 on this 27th day of November, 2019.

/s/ Michael E. Cecil
Michael E. Cecil, Esquire

JMW/MEC/ss